



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

BRANDON THERESA,
Defendant.

Criminal No. 1:19-CR-118

STATEMENT OF FACTS

The United States and the defendant, Brandon Theresa ("THERESA"), agree that the following facts are true and correct, and that had this matter proceeded to trial, the United States would have proven them beyond a reasonable doubt with admissible and credible evidence.

Overview of Offense

1. From at least on or about May 2015 through on or about December 2018, THERESA knowingly and intentionally committed the offense of cyberstalking, in violation of Title 18, United States Code, Section 2261A(2). Using certain internet applications to hide his identity, THERESA, who resides in Virginia, within the Eastern District of Virginia, sent harassing messages to a woman, I.S., who resided in New York. THERESA did so with the intent of causing her substantial emotional distress, and with the intent of placing her under surveillance in order to harass or intimidate her. THERESA similarly sent harassing messages to I.S.'s family member and friends and established U.S. Postal Service Informed Delivery ("Informed Delivery") accounts using their personal information and the personal information of I.S. in order to gather information about I.S.



2. Even after he became aware that I.S. was about to, or had, filed formal complaints with law enforcement authorities, THERESA continued to send harassing messages to I.S. and accessed Informed Delivery accounts he had fraudulently established using the personal information of I.S., her friends, and her family member. He did this with the intention of obtaining information about I.S. and placing her under surveillance.

Overview of I.S.'s Relationship with THERESA; I.S.'s Attempts to Stop Harassment; and Initiation of Federal Investigation

3. Sometime in or around May of 2014, the victim, I.S., who resided in New York, met THERESA, who resided within the Eastern District of Virginia, online through a mutual friend and interacted with him exclusively via group chat and webcam. Eventually, I.S. and THERESA exchanged phone numbers and their usernames for several instant messaging applications and continued to communicate. The nature of their contact shifted from friendly to romantic.

4. In March of 2015, she and THERESA first met in person when THERESA traveled up to New York from Virginia.

5. Soon after their in-person meeting, THERESA accessed I.S.'s online accounts without her authorization. I.S. confronted THERESA about her suspicions that THERESA had accessed her accounts and, over time, received partial acknowledgements from THERESA that he had, indeed, tampered with her online accounts, contacted her friends, or opened online accounts using her name and other personal information.

6. On June 12, 2016, I.S. filed a complaint with the New York City Police Department (NYPD), stating that THERESA had hacked her Facebook and Twitter accounts and was posting pictures of her. I.S. indicated to the reporting Officer that THERESA was sending

emails to her and her parents and making harassing phone calls to her and her parents using an application commonly used for making prank calls.

7. In October of 2016, I.S. communicated to THERESA that she was not interested in a relationship with him and that she did not want to communicate with him further. Despite this, THERESA continued to accuse her of “lying and cheating” on him. I.S.’s friends eventually told THERESA that she had died and I.S. stopped responding to THERESA’s attempts to communicate.

8. Federal authorities were alerted to I.S.’s complaints in May 2017 when I.S. and her mother discovered the unauthorized creation of online U.S. Postal Service Informed Delivery “Informed Delivery”) accounts in their names.

THERESA’s Unauthorized Access to I.S.’s Accounts and Creation of New Online Accounts

9. I.S. recalled that, in or around March 2015 after their in-person meeting, she suspected THERESA of accessing, without her authorization, her Gmail account (hereinafter, “I.S.’s Gmail account”), causing her to receive security pop-up messages indicating that there was an attempted login to her account from an IP address in Virginia. Because I.S. did not know anyone else in Virginia except THERESA, she suspected him of accessing her accounts without her permission and confronted him about the matter. THERESA initially denied accessing her accounts but later alluded to having access and offered to “help her fix” these issues.

10. During or after that time, THERESA changed the recovery emails associated with I.S.’s email accounts to email addresses he controlled. For instance, THERESA changed the recovery email address associated with I.S.’s Yahoo! email account to his email address, brandonsoto54@outlook.com, and the display name on the email account to “[I.S.’s First Name]

Cheater". I.S. did not change her recovery email to brandonsoto54@outlook.com and she did not authorize THERESA to have access to her account or to make changes within it.

11. Between 2016 and 2017, THERESA not only accessed I.S.'s online accounts without her permission, but also created several new accounts using her identity. For instance, THERESA used I.S.'s Yahoo! email account to sign up for food deliveries. On or about November 2018, THERESA used Grubhub, a food delivery service, to send a food delivery that I.S. had not ordered to I.S.'s residence in order to harass or intimidate her.

12. THERESA additionally contacted I.S.'s friends and classmates, at times pretending to be I.S., to elicit information from them about her and to harass people she knew.

THERESA's Unauthorized Email to Victim's Professor

13. On or about October 21, 2016, THERESA used his computer to access I.S.'s AOL account (hereinafter, "I.S.'s AOL email account") without I.S.'s authorization and sent an email to I.S.'s college professor. The email had an attachment that consisted of a provocative picture of I.S. The body of the email contained the text:

This is what happens when people cheat, multiple times, in a relationship. Then proceed to tell the other person to kill themselves and go into hiding so they can't get arrested for murder. That's your golden student, [I.S.]. Great artist, great at being two faced, and great at cheating on boyfriends.

14. THERESA sent the email described above from a Reston, Virginia address in which he resided.

Unauthorized Creation of U.S. Postal Service Informed Delivery Accounts

15. During THERESA's communications with I.S., THERESA sent harassing messages to I.S. in which he described in detail the mail she had received and stated that he knew where she lived. At all relevant times, THERESA engaged in this behavior to place I.S. under

surveillance, to harass her, and to cause her substantial emotional distress.

16. Informed Delivery is a free service provided by the U.S. Postal Service (“USPS”) that allows individuals who have an account at usps.com to receive periodic emails that contain scans or photographs of the outside envelope of all first class mail pieces sent to an address. To obtain such an account, the user also has to confirm that he or she is the person requesting the account and/or that he or she has permission to receive mail at the address associated with the account.

17. THERESA opened several usps.com accounts associated with I.S.’s address. For instance, on March 18, 2017, a new usps.com account was created in the name of Z.S., I.S.’s mother, who resided at the same address as I.S. Z.S. did not authorize the creation of the usps.com account bearing her name and address.

18. On or about May 28, 2017, THERESA and I.S. engaged in a lengthy text message conversation in which THERESA indicated that he understood how to sign up for, and use, the Informed Delivery service.

19. Apart from the USPS account opened in Z.S.’s name, THERESA opened, without authorization, other Informed Delivery accounts using the names and personal information of other people I.S. knew to gain access to information about mail sent to I.S.’s address and I.S.’s activities.

20. THERESA attempted to hide his involvement in the creation of the unauthorized accounts by using a VPN service known as privateinternetaccess.com.

21. THERESA used his laptop, which was seized from his home pursuant to a search warrant on December 3, 2018, to log in to the Informed Delivery accounts of I.S., Z.S., and other

individuals I.S. knew. As described above, I.S. and Z.S., as well as individuals I.S. knew, did not authorize the creation, or use, of Informed Delivery accounts created using their personal information.

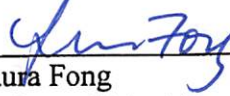
Conclusion

22. The Statement of Facts includes those facts necessary to support the defendant's guilty plea. It does not include each and every fact known to the defendant or to the government and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

23. The actions of the defendant, as recounted in the Statement of Facts, were in all respects knowing, voluntary, and intentional, and were not committed by mistake, accident, or other innocent reason.

G. Zachary Terwilliger
United States Attorney

Date: April 4, 2019

By: 

Laura Fong
Assistant United States Attorney

Defendant's Signature: After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

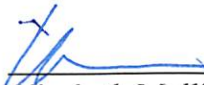
Date: April 2, 2019



Brandon Theresa
Defendant

Defense Counsel Signature: I am Brandon Theresa's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: April 2, 2019



Elizabeth Mullin, Esq.
Counsel for the Defendant